

### **REMARKS**

The Office action mailed 10 April 2007, has been received and its contents carefully noted. Claims 5, 9, 12, 34, 35, 37, 38, 44 and 51-54 were allowed and claims 40, 42, 46, 48, 55 and 56 were rejected. By this amendment, claim 55 has been amended and claims 40, 42, 46, 48 and 56 have been canceled. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

#### **Rejection under 35 U.S.C. 112, first and second paragraphs**

The Examiner rejected 55-56 under 35 U.S.C. 112, first and second paragraphs, as being indefinite and lacking written description support. Specifically, the Examiner indicated that the meaning of the "isolated" nucleic acids in claim 55 was unclear and that the specification provided support for a method for producing L-amino acids by culturing a *C. glutamicum* host cell, which has an attenuated endogenous dead gene, wherein the gene is attenuated prior to culturing of the host cell, but does not provide support for attenuation of the recited isolated nucleic acid in the recited host cells.

Applicants respectfully submit that the claims, as amended, are clear and definite and have adequate written description support.

Therefore, the rejections under 35 U.S.C. 112, first and second paragraphs, should properly be withdrawn.

#### **Rejection under 35 U.S.C. 103(a)**

The Examiner rejected claims 40, 42, 46 and 48 as being unpatentable in view of Pompejus et al. (US 20060269975).

In order to advance prosecution, Applicants have canceled claims 40, 42, 46 and 48. Therefore, the rejection under 35 U.S.C. 103(a) should properly be withdrawn.

#### **Allowable Subject Matter**

The Examiner indicated that claims 5, 9, 12, 34-35, 37-38, 44 and 51-54 are in a condition for allowance.

### **Request for Interview**

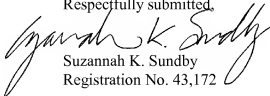
Either a telephonic or an in-person interview is respectfully requested should there be any remaining issues.

### **CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032301WD230**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Suzannah K. Sundby". The signature is fluid and cursive, with the first name being the most prominent.

Suzannah K. Sundby  
Registration No. 43,172

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